

19900731

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JULY 31, 1990  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson McCarty at 10:37 a.m.  
The meeting was recessed by Mayor O'Connor at 11:54 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with no quorum present. A quorum was present at 2:07 p.m. with Council Member Wolfsheimer not present. Chairperson McCarty adjourned the meeting at 6:27 p.m. to convene the Redevelopment Agency Meeting.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-excused by R-276415  
(vacation)
  - (2) Council Member Roberts-present
  - (3) Council Member Hartley-present
  - (4) Council Member Pratt-present
  - (5) Council Member Bernhardt-present
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-present
- Clerk-Fishkin, Abdelnour (eb,rb)

FILE LOCATION: MINUTES

Jul-31-1990

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-present

- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Jul-31-1990

ITEM-310: WELCOMED

Welcoming a group of approximately 15 members of the Clairemont Disabled Advocacy Group, accompanied by their President, Nancy Eakin. This group will arrive at approximately 3:30 p.m. (District-5.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A120-130.)  
Chairperson McCarty welcomed the group.

ITEM-330: (R-90-2307) ADOPTED AS RESOLUTION R-276253

Declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition for Open Space Park purposes of property known as Chollas-Radio Drive Canyon, Lot 100 of Rosemont Addition to Encanto Heights, and that the public interest, convenience and necessity demand the acquisition of fee title to the property for the Chollas-Radio Drive Canyon Open Space Project; declaring the intention of the City of San Diego to acquire said property under eminent domain proceedings; declaring that an offer to purchase the property pursuant to Government Code Section 7267.5 has been made to the record owner; directing the City Attorney of the City of

San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property and acquiring immediate possession.  
(See City Manager Report CMR-90-315. Southeast San Diego Community Area. District-3.)  
Aud. Cert. 9000824.

FILE LOCATION: STRT OS-3

COUNCIL ACTION: (Tape location: A161-324.)

Hearing began 10:50 a.m. and halted 11:02 a.m.

Testimony in favor by Verna Quinn.

Testimony in opposition by Joe Simpson.

Mayor O'Connor entered 10:58 a.m.

MOTION BY HARTLEY TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-90-1839) ADOPTED AS RESOLUTION R-276254

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Bay Terraces Landscape Maintenance District.

(South Bay Terraces Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Bay Terraces Landscape Maintenance District. The district provides for the maintenance of four acres of open space. The Fiscal Year 1991 proposed maintenance costs are as follows:

	Area 1	Area 5	Total
Contractual Maintenance		\$11,250	\$ 4,750 \$16,000
Personnel	2,079	2,079	4,158
Utilities	3,000	0	3,000
Incidentals	2,843	2,576	5,419*
Total Expenses	\$19,172	\$ 9,405	\$28,577
Reserve	1,782	806	2,588
Total	\$20,954	\$10,211	\$31,165
Less Carry-over & Interest		1,260	840 2,100
Less City Contribution		50	50 100
Assessed to District	\$19,644	\$ 9,321	\$28,965

\*Includes \$1,489 Assessment District Management Fee.

For Area 1, the annual assessment for Fiscal Year 1991 is \$56.18 compared to \$56.96 for Fiscal Year 1990. For Area 5, the annual assessment for Fiscal Year 1991 is \$108.38 compared to \$103.52 in Fiscal Year 1990. The district consists of Areas 1 and 5 only.

FILE LOCATION: STRT M-224

COUNCIL ACTION: (Tape location: A123-128.)

Hearing began 10:46 a.m. and halted 10:47 a.m.

MOTION BY BERNHARDT TO ADOPT ITEMS 331, 334, and 337. Second by Pratt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-332: (R-90-2223) CONTINUED TO AUGUST 7, 1990, 10:00 A.M.

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Downtown Landscape Maintenance District.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual Downtown Landscape Maintenance District. The district provides landscaping and special area maintenance to Downtown Street Trees, "C" Street Mall, Horton Plaza Retail Center, and provides litter removal in certain downtown areas. The Fiscal Year 1991 proposed maintenance costs for the total district are as follows:

Contractual Maintenance	\$116,950
Personnel	351,799
Utilities	9,000
Incidentals	181,618
Total Expenses	\$659,367
Reserve	42,173
Total	\$701,540
Less Carry-over & Interest	63,000
Assessed to District	\$638,540

The total assessed cost breaks down into the five zones as follows: the Downtown Street Tree Maintenance Zone this year amounts to \$146,405 compared to \$237,462 last year. This cost has decreased because the cost of litter removal, which amounts to \$300,802 this year, has been separated into its own zone.

There is a substantial increase of litter and debris removal necessary due to increasing numbers of people visiting and working downtown. The "C" Street Mall Zone has changed from \$111,925 to \$121,568, an increase of 8.6% and the Horton Retail Center Zone has changed from \$33,718 to \$34,420, an increase of 2%. Both increases are due to normal inflation. The Broadway East Zone, a new zone last year, has changed from \$38,183 to \$35,345, a decrease of 7% as last year's costs included new vehicular and equipment item start-up costs not needed this

year.

FILE LOCATION: STRT M-206

COUNCIL ACTION: (Tape location: A327-B445.)

Hearing began 11:02 a.m. and halted 11:51 a.m.

Testimony in opposition by Richard Davis, Morris Slayer, Richard Russell, and Charlene Baker.

The hearing was closed.

Motion by Filner to approve the district as recommended. No second.

MOTION BY McCARTY TO CONTINUE TO AUGUST 7, 1990, AND DIRECT THE CITY MANAGER TO WORK WITH COUNCIL MEMBER FILNER AND THE COMMUNITY AND REPORT BACK WITH A PROPOSAL THAT WOULD BE BENEFICIAL TO THE AREA AND JUSTIFY THE ASSESSMENT. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333:

Three actions relative to the San Diego Street Lighting Maintenance District No. 1:

Subitem-A: (R-90-2212) ADOPTED AS RESOLUTION R-276255

Initiating proceedings for annexations to the San Diego Street Lighting Maintenance District No. 1.

Subitem-B: (R-90-2215) ADOPTED AS RESOLUTION R-276256

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the San Diego Street Lighting Maintenance District No. 1.

Subitem-C: (R-90-2216) ADOPTED AS RESOLUTION R-276257

Authorizing the City Manager to execute a contract with San Diego Gas & Electric Co., for furnishing electrical energy.

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the San Diego Street Lighting Maintenance District No. 1. The district provides street light

energy and maintenance for areas with lighting levels above the normal for City-wide "safety" lighting. As part of this action, it is proposed to annex Five Creeks Street Lighting Maintenance District as Area 69 to the district. It is also proposed to annex the following four areas to the existing San Diego Street Lighting Maintenance District No. 1: Lots 3 through 5 and Lot 7, Block 208., bounded by Union, Front, Cedar and Date Streets; Lots A through G and Lot L, Block 116, bounded by 2nd, 3rd, Island and "J" Streets; Lots D through I, Block 123, bounded by "J" and "K" Streets, 6th and 7th Avenues; and Lots 10 through 12, Block 31, bounded by Date, Cedar, Columbia and India Streets. The Fiscal Year 1991 proposed maintenance costs for the district are as follows:

Electrical Energy	\$ 202,800
Maintenance - Operations	250,000
Maintenance - Major Repair & Paint	300,000
Centre City Maintenance Program	11,500
Incidentals & Miscellaneous	131,700
Total Expenses	\$ 896,000
Total Fund Balance	802,053
Total Balance & Expenses	\$1,698,053
Less Carry-over & Interest	1,194,518
Less City Contribution	303,535
Assessed to District	\$ 200,000

The amount assessed to the district for Fiscal Year 1991 is \$200,000, the same as in Fiscal Year 1990.

FILE LOCATION: Subitems A, B, and C - STRT M-11

COUNCIL ACTION: (Tape location: B453-465.)

Hearing began 11:51 a.m. and halted 11:52 a.m.

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334:

Two actions relative to establishing the Balboa Avenue (I-5 to Clairemont Drive) Underground Utility District:  
(Clairemont Mesa Community Area. District-6.)

Subitem-A: (R-90-2227) ADOPTED AS RESOLUTION R-276258

Establishing an Underground Utility District to be known

and denominated as the Balboa Avenue (I-5 to Clairemont Drive) Underground Utility District.  
Subitem-B: (R-90-2229) ADOPTED AS RESOLUTION R-276259

Authorizing the expenditure of an amount not to exceed \$21,600 from CIP-37-028, Gas Tax Fund 32191, for the purpose of administering the Balboa Avenue (I-5 to Clairemont Drive) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Balboa Avenue between I-5 and Clairemont Drive. This is a scheduled project in the calendar year 1991 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the

length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

FILE LOCATION: Subitems A and B STRT K-194

COUNCIL ACTION: (Tape location: A123-128.)

Hearing began 10:46 a.m. and halted 10:47 a.m.

MOTION BY BERNHARDT TO ADOPT ITEMS 331, 334, and 337. Second by Pratt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-335: CONTINUED TO SEPTEMBER 18, 1990, 10:00 A.M.

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ITEM-335: CONTINUED TO SEPTEMBER 18, 1990, 10:00 A.M.

Matter of the San Ysidro/Tijuana River Valley/Otay

Mesa/Otay Mesa-Nestor Community Plans as follows:

- 1) Proposal to rescind the 1974 San Ysidro Community Plan, the currently adopted plan;
- 2) The proposed San Ysidro Community Plan, which is a comprehensive revision to and update of the 1974 San Ysidro Community Plan;
- 3) The proposed San Ysidro Implementation Package, which involves rezoning of commercial and industrial properties to new zones which are consistent with the proposed San Ysidro Community Plan Land Use Designations.
- 4) Amendments to the City of San Diego Progress Guide and General Plan, including:
  - a. Changes to the Land Use Map consistent with proposed revisions to the San Ysidro, Tijuana River, and Otay Mesa Community Plans;
  - b. Community planning area boundary changes for the adopted Otay Mesa, Otay Mesa-Nestor, and Tijuana River Valley Community Plans; and
  - c. An amendment to the General Plan Phase Development Area Map (conversions of a portion of the Otay Mesa Community from Planned Urbanizing to Urbanized and a portion of the Tijuana River Valley from Urbanized to Future Urbanizing).
- 5) An amendment to the Tijuana River Valley Plan (inclusion of a portion of the Tijuana River Valley in the San Ysidro and Otay Mesa-Nestor Communities);
- 6) An amendment to the Otay Mesa-Nestor Community Plan to incorporate developed area north and west of Dairy Mart Road, southwest of I-5;
- 7) An amendment to the Otay Mesa Community Plan (inclusion of a portion of Otay Mesa in the San Ysidro Community);
- 8) An amendment to the City of San Diego Local Coastal Program, Tijuana River Valley Segment. If approved by the City Council, the proposed Local Coastal Program Amendment would not become effective until after approval by the California Coastal Commission;
- 9) Certification of Environmental Impact Report EIR-89-1115; and
- 10) Consideration of the San Ysidro Public Facilities Financing Plan including:
  - a. approving, denying or amending the San Ysidro Public Facilities Financing Plan;
  - b. rescinding existing development impact fees for the San Ysidro community; and



c. setting appropriate fees to mitigate development impact for all properties within the San Ysidro community.

The San Ysidro Community Plan area comprises approximately 1800 acres. It is generally bounded by the Otay Mesa-Nestor Community Plan area on the north, the Otay Mesa Community Plan area on the east, the Tijuana River Valley Community Plan area on the west, and the international border with Mexico on the south.

(District-8)

Subitem-A: (R-91-117)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-89-1115 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-116)

Adoption of a Resolution approving the San Ysidro Community Plan update and related actions.

Subitem-C: (O-91-15)

Introduction of an Ordinance amending the Municipal Code relating to the San Ysidro Implementing Ordinance.

Subitem-D: (O-91-16)

Introduction of an Ordinance rezoning various properties.

Subitem-E: (R-90-2290)

Adoption of a Resolution approving the San Ysidro Public Facilities Financing Plan.

Subitem-F: (R-90-2291)

Adoption of a Resolution rescinding existing development impact fees for the San Ysidro Community.

Subitem-G: (R-90-2292)

Adoption of a Resolution approving the development impact fee schedule for the San Ysidro Community.

FILE LOCATION: Subitems A,B,C,D,E,F,G LAND - San Ysidro Community Plan

COUNCIL ACTION: (Tape location: A045-050.)

MOTION BY FILNER TO CONTINUE TO SEPTEMBER 18, 1990, 10:00 A.M.  
AT THE REQUEST OF THE PLANNING DEPARTMENT FOR NOTICING. Second  
by Bernhardt. Passed by the following vote: Wolfsheimer-not  
present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not  
present.

ITEM-336: (R-91- ) REFERED TO PLANNING DEPARTMENT

(Continued from the meetings of May 15, 1990, Item 331, and  
July 3, 1990, Item 332; last continued at Councilmember  
Bernhardt's request, as requested by the appellant.)

Appeal of George Tucker, from the decision of the Planning  
Commission in approving Conditional Use Permit CUP-89-0896,  
proposing a 696 square-foot addition to an existing Texaco  
service station. The subject property (a lot approximately  
15,538 square-feet) is located at 7490 Beagle Street, in  
Zone CN, in the Clairemont Mesa Community Plan area, and is  
more particularly described as a portion of Lot 2 of  
Cambridge Center, Map-4264.

(CUP-89-0896. District-5.)

Adoption of a Resolution granting or denying the appeal and  
granting or denying the permit, with appropriate findings  
to support Council action.

FILE LOCATION: PERM - CUP-89-0896

COUNCIL ACTION: (Tape location: A030-038.)

MOTION BY BERNHARDT TO CONTINUE INDEFINITELY FOR PROPER  
NOTICING. Second by Henderson. Passed by the following vote:  
Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea,  
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor  
O'Connor-not present.

ITEM-337:

Three actions relative to the Mast Reorganization  
Cooperation Agreement:

(See City Manager Report CMR-90-314. East Elliott  
Community Area. District-7.)

Subitem-A: (R-91-3) ADOPTED AS RESOLUTION R-276260

Authorizing the Mayor and City Clerk to execute the  
Santee-San Diego Mast Reorganization Cooperation Agreement;

authorizing the expenditure of an amount not to exceed \$35,000 from Dept. 30244, Org. 111, Account 4279, Job Order 918013, in connection with the Santee-San Diego Mast Reorganization Cooperation Agreement.

Subitem-B: (R-91-4) ADOPTED AS RESOLUTION R-276261

Certifying that the information contained in Environmental Negative Declaration No. GPA-86-04(A), prepared by the City of Santee, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-C: (R-91-5) ADOPTED AS RESOLUTION R-276262

Approving the negotiated property tax distribution with regard to the Mast Reorganization (City of Santee); authorizing and directing the City Manager to take all actions necessary to allow for the tax distribution.  
Aud. Cert. 9001099.

FILE LOCATION: Subitems A, B, and C MEET CONFY91-1

COUNCIL ACTION: (Tape location: A123-128.)

Hearing began 10:46 a.m. and halted 10:47 a.m.

MOTION BY BERNHARDT TO ADOPT ITEMS 331, 334, and 337. Second by Pratt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Jul-31-1990

ITEM-338: DID NOT SHOW

Welcoming a group of approximately 15 members of the Clairemont Disabled Advocacy Group, accompanied by their President, Nancy Eakin. This group will arrive at approximately 3:30 p.m.  
(District-5.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: --.)

ITEM-339: (R-90-2259) ADOPTED AS RESOLUTION R-276266

Considering the protests, approving the modified map, and ordering the proposed maintenance, in the matter of the Calle Cristobal Landscape and Lighting Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The Calle Cristobal Landscape and Lighting Maintenance District was established in 1987 to provide maintenance for landscaped medians, streetscapes and the street side of the sound attenuator wall along Calle Cristobal within the district boundaries. Assessments were levied and collected for Fiscal Year 1989. However, due to delays in the developer's implementation schedule and changes in landscaping concept and plans, no maintenance was provided in Fiscal Years 1989 and 1990, and none is scheduled for Fiscal Year 1991. The district account balance of \$70,000, an estimated interest amount of \$6,000 and Environmental Growth Fund contribution of \$5,450, a total of \$81,450 will be carried over to the following year's budget. Amount assessed to the district for Fiscal Year 1991 = \$0.

FILE LOCATION: STRT M-225

COUNCIL ACTION: (Tape location: E353-360.)

Hearing began at 3:55 p.m. and halted at 3:56 p.m.

MOTION BY BERNHARDT TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-340: (R-90-2262) ADOPTED AS RESOLUTION R-276267

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gateway Center East Landscape Maintenance District.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Gateway Center East Landscape Maintenance District. The district provides maintenance for the landscaped open space easements as well as landscaping along the frontage of all lots and medians on Market Street and Gateway

Center Drive. The Fiscal Year 1991 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$58,500
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Personnel	8,318
Utilities	22,250
Incidentals	14,511*
Total Expenses	\$103,579
Reserve	15,320
Total	\$118,899
Less Carry-over and Interest	16,500
Less City Contribution	944
Assessed to District	\$101,455

\* Includes \$5,994 Assessment District Management Fee.

The assessment cost for Fiscal Year 1991 is \$2,704.75 per acre of net usable pad area of each parcel. The corresponding assessment cost in Fiscal Year 1990 was \$2,702.22 per acre of net usable pad area of each parcel; therefore, the annual cost of maintenance remains approximately the same for Fiscal Year 1991 compared to Fiscal Year 1990.

FILE LOCATION: STRT M-226

COUNCIL ACTION: (Tape location: E353-360.)

Hearing began at 3:55 p.m. and halted at 3:56 p.m.

MOTION BY BERNHARDT TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-341: (R-90-2254) ADOPTED AS RESOLUTION R-276268

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Mission Boulevard Landscape Maintenance District.

(Mission Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Mission Boulevard Landscape Maintenance District. The district provides for the maintenance of 198 trees within the district. The Fiscal Year 1991 proposed maintenance costs for the district are as follows:

Contractual Maintenance (watering)	\$16,972
Personnel	19,607
Incidentals	11,127
Total Expenses	\$47,706
Reserve	3,790
Total	\$51,496

Less Carry-over & Interest	6,662
Less City Contribution	0
Assessed to District	\$44,834

The annual assessment for Fiscal Year 1991 will be \$11.94 per living unit (L.U.) compared to \$11.20 per L.U. for Fiscal Year 1990. This slight increase in unit assessments is due to expansion of personnel and incidental costs.

FILE LOCATION: STRT M-227

COUNCIL ACTION: (Tape location: E353-360.)

Hearing began at 3:55 p.m. and halted at 3:56 p.m.

MOTION BY BERNHARDT TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-342: (R-91- ) CONTINUED TO SEPTEMBER 24, 1990

Appeal of Robert McDonald by John McEvoy, Attorney, and Alfred Strohlein from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3018, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 3959, 3961, and 3969 Riviera Drive is located within a single-family neighborhood. The subject property is further described as Lots 7-12, Block 11, Second Fortuna Park Addition, Map-895, in Zone R-1500 (Multi-Family), in the Pacific Beach Community Plan area.  
(ER-90-3018. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE - ERSFNPO CASE 90-3018

COUNCIL ACTION: (Tape location: C020-240.)

Testimony in opposition to the continuance by Rebecca Michael and Roger Reynolds.

Testimony in favor of the the continuance by John McEvoy and Al Strohlein.

MOTION BY HENDERSON TO CONTINUE ITEMS 342 AND 343 TO SEPTEMBER 24, 1990, TO REVIEW THE ZONING IN PACIFIC BEACH.

Second by McCarty. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-343: (R-91- ) CONTINUED TO SEPTEMBER 24, 1990

Appeal of Rebecca and Stephen Hardesty, from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3019, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988.

The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 1411 Thomas Avenue is located within a single-family neighborhood. The subject property is further described as Lots 4 & 5, Block 268, Pacific Beach Map-697, in Zone R-1500 (Multi-Family), in the Pacific Beach Community Plan area.

(ER-90-3019. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE - ERSFNPO CASE-90-3019

COUNCIL ACTION: (Tape location: C020-240.)

Testimony in opposition to continuance by kathy Evans.

MOTION BY HENDERSON TO CONTINUE ITEMS 342 AND 343 TO SEPTEMBER 24, 1990, TO REVIEW THE ZONING IN PACIFIC BEACH.

Second by McCarty. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-344: (O-91- ) CONTINUED TO AUGUST 7, 1990

(Continued from the meeting of July 10, 1990, Item 336, at Councilmember Bernhardt's request, to hear that portion of the item pertaining to Miramar Ranch North, which was deleted from the item on 7/10/90 and continued to 7/31/90.)

A proposal to amend the Resource Protection Ordinance, Article 1, Division 4, Section 101.0462 of the San Diego Municipal Code to delete Miramar Ranch North from Paragraph E., Exclusions.

(District-5.)

Introduction of an Ordinance deleting the exclusions for the Miramar Ranch North Community Plan area from the Resource Protection Ordinance, Section 101.0462, Paragraphs E4, 5 and 6 of the Municipal Code.

NOTE: See Items 345 and 346 for companion items.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C020-240.)

MOTION BY BERNHARDT TO CONTINUE ITEMS 344, 345, AND 346 TO AUGUST 7, 1990, DUE TO PENDING LITIGATION. Second by Pratt.

Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-345: (O-90-209) CONTINUED TO AUGUST 7, 1990

(Continued from the meetings of July 10, 1990, Item 336, and July 17, 1990, Item S405; last continued at Councilmember Bernhardt's request, in order to be heard with Miramar Ranch North.)

A proposal to amend the Resource Protection Ordinance, Article 1, Division 4, Section 101.0462 of the San Diego Municipal Code to delete the Black Mountain Road, and County Island Annexation areas from Paragraph E., Exclusions.

(District-5.)

Introduction of an Ordinance deleting the exclusions for Black Mountain Road Assessment District, and the County

Island from the Resource Protection Ordinance, Section 101.0462, Paragraphs E4, 5 and 6 of the Municipal Code.

NOTE: See Items 344 and 346 for companion items.

FILE LOCATION: --



COUNCIL ACTION: (Tape location: C020-240.)

MOTION BY BERNHARDT TO CONTINUE ITEMS 344, 345, AND 346, TO AUGUST 7, 1990, DUE TO PENDING LITIGATION. Second by Pratt.

Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-346: CONTINUED TO AUGUST 7, 1990

(Continued from the meeting of July 10, 1990, Item 337, at J.M. Dawe's request, to allow him to be present at the hearing.)

Consideration of the Planning Commission's recommendation to the City Council for initiation of an amendment or update of the Miramar Ranch North Community Plan to provide for a revised pattern, type, and intensity of development in portions of the community to meet the provisions of the Resource Protection Ordinance. The City Council will also consider whether the public facility provisions, phasing program, and facilities financing plan for Miramar Ranch North are adequate to meet the needs of the community and if they should be revised and whether the Hillside Review Overlay Zone should be applied to qualifying areas where it has not previously been applied. The issue of whether the Miramar Ranch North and Scripps Miramar Ranch Community Plans should be merged into a single planning area and merger of the community planning groups will also be discussed.

(District-5.)

Subitem-A: (R-90-2024)

Adoption of a Resolution approving the initiation of an update of the Miramar Ranch North Community Plan and Facilities Financing Plan and initiation of the application of the Hillside Review Overlay Zone to qualifying areas.

Subitem-B: (R-90-2025)

Adoption of a Resolution conceptually approving a merger of the Scripps Miramar Ranch and Miramar Ranch North Community Plans and Planning Groups.

NOTE: See companion Items 344 and 345.

FILE LOCATION: SUBITEM-A: LAND - MIRAMAR RANCH NORTH COMMUNITY PLAN; SUBITEM-B: LAND - SCRIPPS

MIRAMAR RANCH AND MIRAMAR RANCH NORTH  
COMMUNITY PLAN

COUNCIL ACTION: (Tape location: C020-240.)

MOTION BY BERNHARDT TO CONTINUE ITEMS 344, 345, AND 346 TO  
AUGUST 7, 1990, DUE TO PENDING LITIGATION. Second by Pratt.

Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S412: (O-91-22) NOTED AND FILED

First public hearing in the matter of: amending the Annual  
Appropriation Ordinance to change classification titles of  
eight clerical positions in the Mayor's and Executive  
Services Departments to Council Representative II;  
exempting the eight positions from the Classified Service  
and establishing a salary rate.

SUPPORTING INFORMATION: Since the present administration came  
to office in July of 1986 an extensive program of office  
automation has been pursued. This has resulted in significant  
changes in the tasks expected to be performed by support  
personnel. All members of the Mayor's Staff are part of a  
linked data processing system, with individual desk top  
terminals. Support personnel no longer perform individual  
clerical tasks for specific individuals. Clerical and executive  
tasks are now intermixed for all Mayor's Office personnel. In  
the current configuration personnel that formerly exclusively  
perform support functions are now expected to serve as  
representatives of the Mayor in many aspects of community  
outreach as well as participate in the policy making  
recommendations in their area of assignment and expertise.  
Since support personnel are doing the same job as Council  
Representatives II it is requested that the following positions  
be exempted from the Classified Service and designated as  
Council Representatives II:

Mayor Department

Word Processing Operator - 2 Positions

Clerical Assistant II - 1 Position

Executive Services Department

Word Processing Operator - 2 Positions

Binational Affairs Office

Executive Secretary - 1 Position

Nondepartmental Clerical Support

Word Processing Operator - 1 Position  
Special Promotional Program

Word Processing Operator - 1 Position

This requested action is consistent with precedent established  
by Council Offices.

Note: See Item S507 on the Supplemental Docket of July 31, 1990  
for the introduction and adoption of the ordinance.

FILE LOCATION:    --

COUNCIL ACTION:   (Tape location: D201-210.)

By common consent the matter was trailed from the a.m. to the  
p.m. for the Mayor to be present.

MOTION BY FILNER TO NOTE AND FILE ITEMS S412 AND S507 AS  
REQUESTED BY MAYOR O'CONNOR. Second by Hartley. Passed by the  
following vote: Wolfsheimer-not present, Roberts-yea,  
Hartley-yea, Pratt-nay, Bernhardt-yea, Henderson-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S414: (R-91-229)   ADOPTED AS RESOLUTION R-276269

19900731

Authorizing an agreement with the U.S. Section of the  
International Boundary and Water Commission for the  
construction management services concerning the South Bay  
Land Outfall, together with any reasonably necessary  
modifications or amendments which do not increase the  
project scope or cost which the City Manager shall deem  
necessary from time to time to carry out the purposes and  
intent of this project and agreement; authorizing the

expenditure of an amount not to exceed \$2,825,310 from  
Sewerage Utility Revenue Fund 41506, CIP-46-154, South Bay  
Land Outfall, to provide funds for this project;  
authorizing the City Manager to finance or refinance this  
project with tax exempt securities, if circumstances so  
warrant.

Aud.Cert. 9001075

FILE LOCATION:    MEET   CONT FY91-1

COUNCIL ACTION: (Tape location: B478-B506; D210-E340;  
D-480-484.)

By common consent the matter was trailed from the a.m. to the  
p.m. for the Mayor to be present.

MOTION BY McCARTY TO ADOPT. Second by Pratt. Passed by the  
following vote: Wolfsheimer-not present, Roberts-yea,  
Hartley-nay, Pratt-yea, Bernhardt-yea, Henderson-nay,  
McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S500: (O-91-5 Rev.1) INTRODUCED, TO BE ADOPTED  
SEPTEMBER 10, 1990

(Referred to the City Attorney from the meeting of July 16,  
1990, Item 201, to prepare an amended Ordinance; Continued  
from the meeting of July 24, 1990, Item S505, at Mayor  
O'Connor's request, to review the matter with Councilmember  
Pratt.)

Introduction of an Ordinance amending Chapter II, Article  
2, of the San Diego Municipal Code by amending Section  
22.1901, to delete the Department of Intergovernmental  
Relations and creating in lieu thereof a new Department of  
Legislative Services; amending Section 22.0101, Rule 15,  
relating to Committee Staff; amending Section 22.1801  
relating to City Departments; and repealing Sections  
22.2301 and 22.2302 relating to the Department of  
Legislative Analyst.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: E380-390.)

MOTION BY PRATT TO INTRODUCE. Second by Bernhardt. Passed by  
the following vote: Wolfsheimer-not present, Roberts-yea,  
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S501: (R-90-2241 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-276263

(Continued from the meeting of July 24, 1990, Item 333, at Councilmember Hartley's request, for further review of the matter.)

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Mid-City Landscape and Lighting Maintenance District.

(Mid-City Community Area. District-3.)

**CITY MANAGER SUPPORTING INFORMATION:** This action establishes the annual assessments for eight subdistricts in the Mid-City Landscape and Lighting Maintenance District. Subdistricts 2, 7 and 9, the latter of which is proposed to be annexed in FY 91, are still under construction and will come under the City's maintenance for only three months. The FY 91 proposed total assessments for the district are as follows:

Contractual Maintenance	\$38,950
Personnel	16,661
Utilities	5,550
Incidentals	20,153
Total Expenses	\$81,314
Reserve	7,018
Total	\$88,332
Less Carry-over & Interest	27,000
Less City Contribution	0
Assessed to District	\$61,332

The assessments per frontage foot for each subdistrict is tabulated below:

	1	2	3	4	5	6	7	9	
FY 91	8.15	2.25	4.85	8.03	3.62	9.42	5.60	1.42	
FY 90	5.82	-0-	4.87	1.97	3.78	7.30	-0-		
-0-Increase	2.33	2.25	-0.02	6.06	-0.16	2.12	5.60	1.42	

Subdistricts 1 and 4 have increased in FY 91 due to the change from part-time to full year maintenance. District 6 had less carry-over funds available, which brought up the cost. Subdistricts 2, 7 and 9 are being assessed for the first time in FY 91. The assessments for subdistricts 3 and 5 remain approximately the same and show a slight decrease.

**FILE LOCATION:** STRT M-217

COUNCIL ACTION: (Tape location: A137-160.)

Hearing began 10:48 a.m. and halted 10:50 a.m.

Testimony in opposition by Mark Ursprung.

MOTION BY HARTLEY TO ADOPT THE RESOLUTION APPROVING THE ASSESSMENT EXCEPT FOR A PORTION OF SUBAREA 3, A BLOCK ON ADAMS AVENUE. Second by Filner. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S502: REFERRED TO THE PLANNING DEPARTMENT

(Continued from the meetings of November 21, 1989, Item 343, April 24, 1990, Item 339, and July 24, 1990, Item 344; last continued due to lack of time.)

Matters concerning Lots 1 and 2 of Fashion Ridge, Map-11871, portions of Lots 2, 3 and 5, Pueblo Lot 1174, Map-141; and Lot 1, Mission Valley Ball Park (approximately 9.9 acres), located on the northwest corner of Friars Road and Ulric Street, in the Linda Vista Community Plan area and within the Mission Valley Development Intensity Regulatory Overlay District (Ord. No. 0-16460).

1) Rezoning the above described real property from Zone CO (HR/FPF) to Zone CA (HR/FPF);

2) Amending the Linda Vista Community Plan on the above described real property;

3) Amending the Mission Valley Community Plan and Development Intensity Regulatory Overlay District Ordinance on the above described real property;

4) Appeals of D' & D' Partnership, by Roque de la Fuente II, from the decision of the Planning Commission in denying:

a) Planned Commercial Development Permit PCD-85-0643 proposing a mixed-use development comprised of 275,420 square feet of office use, 116 hotel rooms, 24,000 square feet of retail, 13,250 square feet of restaurant, 23,200 square feet of recreation uses and seven residential units; and

b) Tentative Map TM-85-0643 (Loma Linda Vista) proposing a 4-lot subdivision on the above described real property.

(Case, PCD & TM-85-0643. District-5.)

Subitem-A: (R-90- )

Adoption of a Resolution certifying that the information

contained in Environmental Impact Report EIR-85-0643 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-88-139)

Introduction of an Ordinance for CA Zoning.

Subitem-C: (R-88-2029)

Adoption of a Resolution denying the Linda Vista Community Plan, the Mission Valley Community Plan and the Development Intensity Regulatory Overlay District Ordinance.

Subitem-D: (R-90- )

Adoption of a Resolution granting or denying the appeal and granting or denying the permit with appropriate findings to support Council action.

Subitem-E: (R-90- )

Adoption of a Resolution granting or denying the appeal and granting or denying the map with appropriate findings to support Council action.

FILE LOCATION: SUBITEMS-A&C: LAND - LINDA VISTA COMMUNITY PLAN; SUBITEM-B: --; SUBITEM-D: PERM-PCD-85-0643; SUBITEM-E: SUBD - LOMA LINDA VISTA

COUNCIL ACTION: (Tape location: E431-F200.)

Hearing began at 4:00 p.m. and halted at 4:44 p.m.

Testimony in favor by Mr. de la Fuente.

Testimony in opposition by Mark Lewenski.

Mayor O'Connor entered at 4:22 p.m.

MOTION BY BERNHARDT TO REFER THE ITEM BACK TO THE PLANNING DEPARTMENT. THE PLANNING DEPARTMENT AND THE APPLICANT ARE TO WORK TOGETHER TO REDESIGN THE PROJECT LOWERING THE DENSITY OF THE PROPERTY TO CONFORM WITH THE PDO (PLANNED DISTRICT ORDINANCE) WITH FLEXIBILITY WITH OTHER FACILITIES SUCH AS A "PEOPLE MOVER'S

SYSTEM." Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S503: CONTINUED TO SEPTEMBER 10, 1990

(Continued from the meeting of July 23, 1990, taken on July 24, 1990, Item 204, for full Council.)

In the matter of a report concerning the economic impact of the City-wide Impact Fees.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C242-D200.)

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 10, 1990, AS REQUESTED BY JACK McGRORY TO MEET WITH A CITIZEN'S COALITION. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S504: CONTINUED TO SEPTEMBER 10, 1990

(Continued from the meetings of March 20, 1990, Item 337, April 5, 1990, Item 602, April 23, 1990, Item 208 and July 23, 1990, taken on July 24, 1990, Item 205; last continued for full Council.)

Three actions relative to Citywide Impact Fees:

(See City Manager Reports CMR-90-158 and CMR-90-128.)

Subitem-A: (O-90-95)

Introduction of an Ordinance amending Chapter VI, Article 1, of the San Diego Municipal Code by adding Division 25, Sections 61.2501, 61.2502, 61.2503, 61.2504, 61.2505, 61.2506, 61.2507, 61.2508, 61.2509 and 61.2510 relating to Impact Fees.

Subitem-B: (R-90-1422)

Adoption of a Resolution to impose Citywide Impact Fees.

Subitem-C: (R-90-1423)

Adoption of a Resolution rescinding Development Impact Fees for branch libraries and fire facilities as currently charged in the urbanized areas and replacing them with one standard impact fee for libraries and one for fire facilities in all



urbanized communities.

FILE LOCATION:    --

COUNCIL ACTION:   (Tape location: C242-D200.)

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 10, 1990, AS REQUESTED BY JACK McGRORY TO MEET WITH A CITIZEN'S COALITION. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S505: CONTINUED TO SEPTEMBER 10, 1990

(Trailed from the meeting of July 10, 1990, Item 332, due to lack of time; continued from the meetings of July 17, 1990, Item S500, and July 24, 1990, Item S502; last continued due to lack of time.)

Two actions relative to Emergency Transportation Congestion Management and Phasing Ordinance for 1990 and Emergency Capital Facilities Planning Ordinance for 1990:

Subitem-A:   (O-90-213)

Introduction and adoption of an Emergency Ordinance relating to land development; providing for the timing and sequencing of land development in accordance with the capacity of transportation facilities to serve new development; providing definitions; providing for development review; providing criteria for development phasing limits based upon preferred levels of service standards for specified transportations facilities; providing for exemptions; providing criteria for relief from phasing requirements; providing for the interpretation and administration of the development phasing system; providing for applicability; providing for the effect of this ordinance on other ordinances and regulations; providing for severability; and providing for an effective date.

NOTE: Six votes required.

Subitem-B:   (O-90-214)

Introduction and adoption of an Emergency Ordinance establishing a Capital Facilities Plan for the City of San Diego; providing standards and criteria for the inclusion of public facilities in the Capital Facilities Plan; providing guidelines for the preparation of the Capital Facilities

Plan; relating the Capital Facilities Plan to other regulatory programs and providing an effective date.

NOTE: Six votes required.

FILE LOCATION:    --

COUNCIL ACTION:   (Tape location: C242-D200.)

Testimony by Jim Dawe, Peter Navarro, and Matt Peterson.

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 10, 1990, AS REQUESTED BY MATT PETERSON DUE TO THE CONTINUANCE OF ITEMS 503 AND 504 WHICH ARE RELATED; AND DIRECT THE CITY ATTORNEY TO DRAFT LANGUAGE TO EXEMPT HEALTH CARE FACILITIES. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S506: (R-91-88) ADOPTED AS RESOLUTION R-276270

(Continued from the meeting of July 24, 1990, Item 346, due to lack of time.)

Accepting and adopting the annual administrative budget for the Southeast Economic Development Corporation (SEDC); declaring that approval of this budget constitutes authority for the expenditure of available funds in Fiscal Year 1990/1991 so long as funds are available; authorizing the City Auditor and Comptroller to establish the necessary accounts and to appropriate and allot all monies available in each project fund; authorizing SEDC's President, or his designee, to make budgetary transfers between the budgeted line items in accordance with Section 1.06 of the Operating Agreement between the Agency and SEDC.

NOTE: See the Redevelopment Agency Agenda of July 31, 1990 for a companion item.

FILE LOCATION:    MEET

COUNCIL ACTION:   (Tape location: F513-558.)

MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S507: (O-91-22) NOTED AND FILED

Introduction and adoption of an ordinance amending the Annual

Appropriation Ordinance to change classification titles of eight clerical positions in the Mayor's and Executive Services Departments to Council Representative II; exempting the eight positions from the Classified Service and establishing a salary rate.

SUPPORTING INFORMATION: Since the present administration came to office in July of 1986 an extensive program of office automation has been pursued. This has resulted in significant changes in the tasks expected to be performed by support personnel. All members of the Mayor's Staff are part of a linked data processing system, with individual desk top terminals. Support personnel no longer perform individual clerical tasks for specific individuals. Clerical and executive tasks are now intermixed for all Mayor's Office personnel. In the current configuration personnel that formerly exclusively perform support functions are now expected to serve as representatives of the Mayor in many aspects of community outreach as well as participate

in the policy making recommendations in their area of assignment and expertise. Since support personnel are doing the same job as Council Representatives II it is requested that the following positions be exempted from the Classified Service and designated as Council Representatives II:

Mayor Department

Word Processing Operator - 2 Positions

Clerical Assistant II - 1 Position

Executive Services Department

Word Processing Operator - 2 Positions

Binational Affairs Office

Executive Secretary - 1 Position

Nondepartmental Clerical Support

Word Processing Operator - 1 Position

Special Promotional Program

Word Processing Operator - 1 Position

This requested action is consistent with precedent established by Council Offices.

Dillingham

Note: See Item S412 on the Supplemental Docket of July 31, 1990 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D201-210.)

MOTION BY FILNER TO NOTE AND FILE AS REQUESTED BY MAYOR O'CONNOR. Second by Hartley. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-nay, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S508: (R-91-217) ADOPTED AS RESOLUTION R-276264

Waiving the requirement that the Loma Vista Center Development Project pay a development impact fee in light of its location in a redevelopment study area, concerning which certain representations of exemption were made;

reimbursing the GS Development \$147,895.38 from the Southeast Development Impact Fee Fund 79511 for the fees paid.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: On July 17, 1990, the City Council in closed session due to the threat of litigation approved the reimbursement of \$147,895.38 in Developer Impact Fees for GS Development which were paid under protest for the Loma Vista Center Project. This resolution authorizes the reimbursement. The reimbursement is based on representations made by City officials in the planning stage of this project that developer impact fees would not be required because this project was located in a "redevelopment area." In fact, this project is in a redevelopment study area and not a formally approved redevelopment project area, but in light of these circumstances, it is requested that the requirement to pay these fees be waived and that \$147,895.38 be reimbursed to GS Development for the fees paid.  
Aud. Cert. 9100110.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B465-475.)

MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S509: (R-91-111) ADOPTED AS RESOLUTION R-276271

Authorizing the execution of an agreement with the University of San Diego Law School to operate the Environmental Mediation Project to resolve appropriate code enforcement cases by using various dispute resolution

methods; authorizing the City Auditor and Comptroller to expend an amount not to exceed \$96,000 for Fiscal Year 1991 from the City of San Diego to the University of San Diego Law School for purposes of the above agreement. (See PSS Memorandum Legislative Specialist 7/25/90, PSS Committee Consultant Analysis PSS-90-9, and Revised City Manager Report CMR-90-290.)

**COMMITTEE ACTION:** Initiated by PSS on 6/20/90. Recommendation to approve funding the Dispute Resolution Office (DRO) and expanded Drug Abatement Team; 1) Increase housing permit fees and/or business license fees; 2) Request the City Manager to retain the code enforcement firefighter position; 3) approve a contract with USD to operate the DRO (FY '91) at a cost of \$89,000 commencing 7/1/90 (Code Enforcement Fund - \$31,000; Building Inspection Enterprise Fund - \$58,000 to be reimbursed by housing permit fees.) Districts 2, 3, 4, 5, and 7 voted yea.

**CITY MANAGER SUPPORTING INFORMATION:** On November 28, 1988, the City of San Diego and the University of San Diego Law School (USD) executed an agreement to develop an 18-month pilot project to: 1) Use mediation and other dispute resolution methods to resolve appropriate code enforcement cases; and 2) Study the feasibility of creating an Environmental Court to hear government initiated criminal and civil actions in the field of Municipal and Land-use Law. USD and the City each contributed one-half of the Project's total budget of \$124,000. As part of the pilot project, the Environmental Mediation Office has conducted 143 mediations since September 1989, of which 95 percent resulted in a written agreement between the City and alleged violator. The Mediation Project currently maintains 83 active cases which are ready for scheduling or need further monitoring.

On June 20, 1990, the Public Services and Safety Committee voted 5-0 to direct the City Manager to continue without interruption the Environmental Mediation Project for Fiscal Year 1991 at a total cost of \$89,000 from the Code Enforcement Fund and Building Inspection Enterprise Fund. The Committee also approved a motion that future increases in the Housing Permit Fee or the Business Tax would be used to reimburse the Enterprise Fund's contribution.

The City Attorney has subsequently advised the City Manager that Building Inspection's contribution from Housing Permit Fee revenues is limited to the department's pro rata share. This is based on the use of the program services and the amount of the

housing inspection costs actually recovered through housing permit fee revenues. Consequently, the City Manager has directed the Building Inspection Department to advance \$44,500 from the Enterprise Fund to be reimbursed in Fiscal Year 1990-1991 from increases in Housing Permit Fees which will result in full program cost recovery and/or increase in Business Tax Revenue. The remaining balance will be allocated from the Code Enforcement Fund - \$31,000, and the General Fund - \$13,500. Aud. Cert. 9100060.

FILE LOCATION: MEET CONT FY91-1

COUNCIL ACTION: (Tape location: A051-070, E400-409.)

Motion by Henderson to continue for Council members to review the backup material. No second.

By common consent the matter was trailed to the afternoon session at the request of Council Member Bernhardt to allow Council to review the material.

MOTION BY McCARTY TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-701: CONTINUED TO AUGUST 7, 1990 AT 2:00 P.M.

(Continued from the meetings of July 16, 1990, Item S403; trailed from the meeting of July 23, 1990 Item 701, to July 24, 1990; last continued due to lack of time.

Alternate actions relative to establishing the boundary lines of the Districts within the City of San Diego:

Subitem-A: (O-90-207 Rev.2)

Introduction of an Ordinance changing and establishing the boundary lines of the Districts within the City of San Diego for the purpose of electing members of the City Council, as recommended by the Redistricting Advisory Board; and repealing Ordinance No. O-15370 (NS), adopted on October 27, 1980.

Subitem-B: (R-91-20)

Introduction of an Ordinance changing and establishing the boundary lines of the Districts within the City of San Diego for the purpose of electing members of the City Council, as proposed by Councilmember Harlley; repealing

Ordinance No. O-15370 (NS), adopted on October 27, 1980.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: H111-167.)

Motion by Henderson to refer all amendments to the Advisory Board for comment and review, and to request that the Board meet prior to the special Council Meeting of August 13, 1990. Second by McCarty. No vote.

MOTION BY FILNER TO AMEND COUNCIL MEMBER HENDERSON'S MOTION TO INCLUDE CONTINUING THE ITEM TO AUGUST 7, 1990, AT 2:00 P.M. TO DISCUSS THE AMENDMENTS TO THE MAP. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-91-246) ADOPTED AS RESOLUTION R-276265

A Resolution adopted by the City Council in Closed Session on July 31, 1990:

Authorizing and empowering the City Manager to pay the sum of \$125,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in United States District Court, Case No. 88-1899-GT(IEG), Margaret Doonan v. City of San Diego, et al., resulting from the wrongful death claim of Chip Doonan, authorizing the City Auditor and Comptroller to issue one check in the amount of \$125,000.00, made payable to Margaret Doonan and her attorney of record Robert Ross, in full settlement of all claims.

Aud.Cert:9100120

FILE LOCATION: MEET

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson McCarty at 6:27 p.m. in honor of the memory of Robert Barrymore.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I168-170).